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17 Attorneys for Defendants
18 CITY AND COUNTY OF SAN FRANCISCO,
19 SHERIFF MICHAEL HENNESSEY,
20 GLENN YOUNG, MIGUEL PRADO AND
21 LARRY NAPATA

22 THE UNITED STATES DISTRICT COURT

23 NORTHERN DISTRICT OF CALIFORNIA

24 ERNEST HENDERSON, JANEL
25 GOTTA, AARON RAULS, MICHAEL
26 PEREZ, ARTURO PLEITEZ,

27 Plaintiffs,

28 vs.

29 CITY AND COUNTY OF SAN
30 FRANCISCO, SAN FRANCISCO
31 SHERIFF'S DEPARTMENT, SAN
32 FRANCISCO DEPARTMENT OF
33 PUBLIC HEALTH SERVICES,
34 SHERIFF MICHAEL HENNESSEY,
35 DEPUTY GLENN YOUNG, DEPUTY
36 MIGUEL PRADO, DEPUTY LARRY
37 NAPATA, AND DOES 1-11,

38 Defendants.

39 Case No. C05-0234 VRW

40 **[PROPOSED] STIPULATED
41 PROTECTIVE ORDER FOR
42 CONFIDENTIAL PERSONNEL
43 INFORMATION PRODUCED IN
44 DISCOVERY**

45 Date Action Filed: January 14, 2005
46 Trial Date: None Set

STIPULATED PROTECTIVE ORDER

1. Plaintiffs have sought discovery of certain personnel records related to the individual defendants in this action. Defendants will produce certain of those personnel records to Plaintiffs' Counsel pursuant to this Protective Order.

2. The materials to be produced will be referred to as "CONFIDENTIAL PERSONNEL INFORMATION."

3. The CONFIDENTIAL PERSONNEL INFORMATION shall not be exhibited, played or otherwise disclosed, by Plaintiff's Counsel to other persons except as specifically provided herein.

4. Plaintiff's Counsel may exhibit and/or disclose CONFIDENTIAL PERSONNEL INFORMATION only to the following categories of person and no other unless authorized by order of the Court:

- a. Plaintiff's Counsel;
- b. Experts, investigators or consultants retained by Plaintiff's Counsel to valuation, preparation, or trial of this case; however, before any expert, or consultant is permitted to review the CONFIDENTIAL PERSONNEL ON, such individual must agree to comply with the terms of this Protective Order he document attached as Exhibit A. Plaintiff's counsel shall file and serve any Comply with the terms of the Order upon its execution; however, Plaintiff's not be required to file any Agreement to Comply any earlier than the date that sures are required to be made. Experts, investigators, and consultants shall not er to authorize further disclosure of CONFIDENTIAL PERSONNEL ON to any other person.

5. Counsel for Plaintiff may not provide originals or copies of the CONFIDENTIAL PERSONNEL INFORMATION to any plaintiff absent the written agreement of counsel for the City or a court order. For purposes of evaluating the settlement value or potential jury verdict, counsel for Plaintiff may discuss the general nature of the CONFIDENTIAL PERSONNEL INFORMATION with plaintiffs without disclosing any identifying details about a specific

1 incident or any documents. Plaintiffs' counsel may also review with a plaintiff any statement or
2 interview given by that plaintiff.

3 6. Nothing contained in this order shall prohibit any person, including any persons
4 described in 3(a-b) above, from using or referring to CONFIDENTIAL PERSONNEL
5 INFORMATION covered by this Protective Order in motion papers or pleadings filed with the
6 Court, provided that adequate provision is made to protect the confidentiality of the
7 CONFIDENTIAL PERSONNEL INFORMATION and provided that any portion of such motion
8 papers or legal pleadings that reference said CONFIDENTIAL PERSONNEL INFORMATION,
9 if filed, are filed under seal pursuant to the Court's rules and procedures (see Civil Local Rule
10 79-5).

11 7. In the event any person described in 3(a-b) above, desires to exhibit documents or
12 disclose CONFIDENTIAL PERSONNEL INFORMATION covered under this stipulation to
13 witnesses during trial or pretrial proceedings, such person shall meet and confer with counsel for
14 defendants to reach an agreement, in accordance with the Court's rules and procedures, on an
15 appropriate method for disclosure. Unless otherwise agreed, transcripts and exhibits that
16 incorporate documents and CONFIDENTIAL PERSONNEL INFORMATION covered under
17 this stipulation shall be sealed in accordance with the Court's rules and procedures, and shall be
18 subject to the provisions of this Protective Order.

19 8. At the conclusion of this litigation, by whatever means resolved, all persons shall
20 return all copies of the CONFIDENTIAL PERSONNEL INFORMATION covered by this
21 Stipulation and Order, including all copies provided to any persons described in 3(a-b) above, to
22 counsel for defendants.

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9. If the Court finds that any person, including any person described in 3(a-b) above, is responsible for the unauthorized disclosure of any documents, records or Confidential Personnel Information disclosed pursuant to this Protective Order, Plaintiffs or Plaintiff's Counsel, or any person disclosing such documents, including any persons described in 3(a-b) above, or any of them, may be subject to sanctions and possible contempt.

IT IS AGREED:

DATED: 12/23/05 By: Scot Candell
SCOT CANDELL, ESQ.

Attorneys for Plaintiffs
ERNEST HENDERSON, JANEL GOTTA,
AARON RAULS, MICHAEL PEREZ,
and ARTURO PLEITEZ

DATED: 12/23/05

DENNIS J. HERRERA
City Attorney
JOANNE HOEPER
Chief Trial Deputy
JENNIFER E. CHOI
PETER J. KEITH
Deputy City Attorneys

By: Peter J. Keith
PETER J. KEITH

Attorneys for Defendants
CITY AND COUNTY OF SAN FRANCISCO,
SHERIFF MICHAEL HENNESSEY, GLENN
YOUNG, MIGUEL PRADO, LARRY NAPATA

IT IS SO ORDERED.

DATED: December 29, 2005

The image shows the official seal of the Northern District of California, Southern Division. The seal is circular with a blue outer border containing the text "NORTHERN DISTRICT OF CALIFORNIA" and "SOUTHERN DIVISION" in blue. Inside the border, the words "THE UNITED STATES DISTRICT COURT" are written in blue. In the center, there is a red rectangular box containing the name "Judge Vaughn R Walker" in black. Above the box, the letters "JAU" are visible, which likely stands for "Judge Vaughn R Walker". The entire seal is set against a white background.

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EXHIBIT A
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1 *Henderson v. City and County of San Francisco, et al., Case No. C05-0234 VRW*
2 United States District Court, Northern District of California

3 **AGREEMENT TO COMPLY WITH STIPULATED PROTECTIVE ORDER FOR**
4 **CONFIDENTIAL PERSONNEL INFORMATION**

5
6 I, SCOT CANDELL, have read and understand the Court's Protective Order for
7 CONFIDENTIAL PERSONNEL INFORMATION. I agree to abide by all terms of the Order.
8 In addition, I specifically understand and agree to the following:

9 1. I will not disclose the CONFIDENTIAL PERSONNEL INFORMATION to any other
10 person.

11 2. I understand that I have no power to authorize any other person to review the
12 CONFIDENTIAL PERSONNEL INFORMATION.

13 3. I agree not to make copies of the CONFIDENTIAL PERSONNEL INFORMATION.

14 4. I agree to return the CONFIDENTIAL PERSONNEL INFORMATION to the counsel
15 for the party that produced it, at or before the conclusion of this litigation.

16 5. I understand that if I violate any of the terms of the Protective Order, then Plaintiffs,
17 Plaintiffs' Counsel, and I may be subject to sanctions or possible contempt.

18
19 AGREED:

20 12/23/05

Scot Candell

21 DATE

SIGNATURE

23 SCOT CANDELL
24 PRINT NAME